**THE HON'BLE SRI JUSTICE BILAL NAZKI**

**AND**

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION NO.27891 OF 2005**

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Date: 29-12-2005

M/s Durga Dairy Limited …Petitioner

And

Assistant Commissioner (CT) (INT) No.1 Division,

Vijayawada and others …Respondents

**THE HON'BLE SRI JUSTICE BILAL NAZKI**

**AND**

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION NO.27891 OF 2005**

**O R D E R (Per the Hon'ble Sri Bilal Nazki, J):**

Heard learned counsel for the parties. With their consent, the writ petition is disposed of at this stage.

The controversy is that pending appeal, application for stay filed by the petitioner was dismissed by the competent authority. We have gone through the

record and heard learned counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 50 per cent of the disputed tax. Therefore, we set aside the order of the authority and direct that 50 per cent of the disputed tax shall be paid by the petitioner, within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

The writ petition is accordingly disposed of. No costs.

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(Bilal Nazki, J)

29th December, 2005

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(C.V.Ramulu,J)

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